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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
AT LEXINGTON

Eastern District of Kentucky  
**FILED**

APR 12 2004

AT LEXINGTON  
LESLIE G WHITMER  
CLERK U S DISTRICT COURT

CODY J. WILLIAMS,  
  
Plaintiff,

CIVIL ACTION NO. 04-161-JMH

v.

UNITED STATES EQUESTRIAN  
FEDERATION, INC.,

Defendant and  
Counterclaim Plaintiff,

and

USA EQUESTRIAN, INC.,

Defendant.

**ANSWER AND COUNTERCLAIMS OF DEFENDANT  
UNITED STATES EQUESTRIAN FEDERATION, INC.**

Comes the Defendant and Counterclaim Plaintiff United States Equestrian Federation, Inc. (hereinafter "USEF"), by counsel, and for its answer and counterclaim, avers as follows:

1. Admits that the petition purports to allege that plaintiff's action is one for declaratory and injunctive relief pursuant to KRS Chapter 418.
2. Admits, upon information and belief, the allegations of paragraph 2.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3.

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4. Denies the allegations of paragraph 4.

5. Admits the allegations of paragraph 5.

6. Admits the allegations of paragraph 6, except avers that USA Equestrian, Inc. has changed its name, effective December 1, 2003, to USA Equestrian Trust, Inc. (hereinafter the "Trust").

7. Admits that both defendants are not-for-profit corporations, and denies the remaining allegations of the first sentence of paragraph 7, and admits the allegations of the second sentence of paragraph 7.

8. Denies the allegations of paragraph 8.

9. Admits that the Trust is a defendant in the legal action cited in paragraph 9.

10. Denies the allegation of paragraph 10, except admits the accuracy of the excerpted quotation.

11. Admits the accuracy of the excerpted quotation contained in paragraph 11.

12. Denies the allegations of paragraph 12.

13. Admits the allegations of paragraph 13.

14. Denies the allegations of paragraph 14 in that it is unclear what plaintiff means by "public places."

15. Denies the allegations of paragraph 15.

16. Denies the allegations of paragraph 16.

17. Denies the allegations of paragraph 17.

18. Denies the allegations of paragraph 18.

19. Denies the allegations of paragraph 19.

20. Admits the allegations of paragraph 20.

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21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21, except admits that the plaintiff came upon the grounds of the Recognized competition while the competition was in progress.

22. Denies the allegations of paragraph 22, except admits that the plaintiff was a person suspended under the rules of the USEF and was asked to leave the premises of the Recognized competition.

23. Denies the allegations of paragraph 23, except that the USEF maintains a list of suspended persons on its web site.

24. Denies the allegations of paragraph 24, except admits the accuracy of the excerpted quotation from the web site.

25. Denies the allegations of paragraph 25, except admits that the plaintiff is listed on the list of suspended persons.

26. Denies the allegations of paragraph 26.

27. Denies the allegations of paragraph 27.

28. Denies the allegations of paragraph 28, except admits that the plaintiff was not a member of the USEF at the time.

29. Denies the allegations of paragraph 29.

30. Denies the allegations of paragraph 30, except admits that plaintiff's suspension prohibits his attendance, during competition hours, only on such portion of the grounds of the Kentucky Horse Park that are set aside for the Recognized competition, and admits that the plaintiff became an Inactive Member of the Trust (then known as the American Horse Shows Association, Inc.) in 1999.

31. Denies the allegations of paragraph 31.

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32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33.

34. Denies the allegations of paragraph 34, except admits that no competition recognized by the USEF has utilized the entire premises of the Kentucky Horse Park, and avers that plaintiff is not prohibited from attending the Kentucky Horse Park except for the portions thereof set aside for Recognized competitions during competition hours.

35. Denies the allegations of paragraph 35.

36. Denies the allegations of paragraph 36.

37. Denies the allegations of paragraph 37.

38. Denies the allegations of paragraph 38.

39. Denies the allegations of paragraph 39, except admits that defendant Trust (then USA Equestrian) suspended the plaintiff for committing acts of cruelty and abuse to a horse at the cited competition, and for participating in the cited competition in violation of the rules that prohibit participation by persons in Recognized competitions without being a member or paying a non-member fee.

40. Denies the allegations of paragraph 40, except admits that defendant Trust (then USA Equestrian) held the hearing referred to therein.

41. Denies the allegations of paragraph 41, except refers the Court to the official charge therein for a complete and accurate statement of the rule violations alleged.

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42. Denies the allegations of paragraph 42, except refers to the Findings and Decision of the USA Equestrian Hearing Committee dated October 23, 2003 for a complete and accurate statement of the findings made.

43. Admits the allegations of paragraph 43.

44. Denies the allegations of paragraph 44, except refers to the Findings and Decision of the USA Equestrian Hearing Committee dated October 23, 2003 for a complete and accurate statement of the findings made.

45. Denies the allegations of paragraph 45, except refers to the Findings and Decision of the USA Equestrian Hearing Committee dated October 23, 2003 for a complete and accurate statement of the findings made.

46. Denies the allegations of paragraph 46, except admits that the penalties issued were solely those of the Trust (then USA Equestrian).

47. Denies the allegations of paragraph 47 in that non-members of the USEF are also subject to the rules of the USEF when violating such rules while on the grounds of Recognized competitions.

48. Denies the allegations of paragraph 48, except admits that plaintiff appeared at the hearing referred to.

49. Admits that the plaintiff purported to make his appearance upon the grounds stated in paragraph 49.

50. Denies the allegations of paragraph 50, in that the USEF retained and had present an official stenographer/court reporter from an independent court reporting agency who took and transcribed a full record of all of the proceedings in the hearing, upon which

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basis the Hearing Committee determined that plaintiff's private stenographer would not be permitted to make a separate record.

51. Denies the allegations of paragraph 51, except refers to the Decision and Findings of the USEF dated March 19, 2004 for a complete and accurate statement of the penalties issued against the plaintiff.

52. Denies the allegations of paragraph 52.

53. Admits the allegations of paragraph 53 to the extent that it alleges that plaintiff has exhausted all internal administrative remedies available to him, and that plaintiff has no further right to appeal his penalties.

54. Incorporates its answers to paragraphs 1-53 as if fully repeated.

55. Denies the allegations of paragraph 55.

56. Denies the allegations of paragraph 56.

57. Denies the allegations of paragraph 57.

58. Denies the allegations of paragraph 58.

59. Denies the allegations of paragraph 59.

60. Denies the allegations of paragraph 60.

61. Denies the allegations of paragraph 61.

62. Denies the allegations of paragraph 62.

63. Denies the allegations of paragraph 63.

This Defendant denies any and all other allegations not specifically made reference to herein.

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#### FIRST AFFIRMATIVE DEFENSE

1. Plaintiff has failed to allege any actionable claim against the defendant under the Constitution or laws of the United States.

#### SECOND AFFIRMATIVE DEFENSE

2. The Trust and the USEF are New York Not-for-Profit corporations, and as such their actions are subject to the substantive and procedural law of the State of New York.

3. Under the rules of the Trust and the USEF, their actions are subject solely to the laws of the State of New York, and are reviewable solely under the laws of that State, Article 78 of the New York Civil Practice Law and Rules, Section 7401 *et seq.*

4. The rules of the Trust and the USEF provide that the construction and application thereof are governed by the laws of the State of New York.

5. The Findings and Decision of the USA Equestrian Hearing Committee dated October 23, 2003 were by their express terms stated to be final and binding, and effective immediately. Such Findings and Decision were delivered to plaintiff on October 24, 2003. More than four months passed between plaintiff's receipt of those Findings and plaintiff's filing of his petition on March 17, 2004.

6. Plaintiff's claims challenging the findings made, actions taken and penalties issued by the USA Equestrian Hearing Committee on October 23, 2003 are barred by the applicable statute of limitations in New York, New York Civil Practice Law and Rules, Article 2, Section 217.1, which requires that any proceedings to review any actions of the Trust and the USEF must be commenced within four months after the determination to be reviewed becomes final and binding upon the petitioner.

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7. Plaintiff's claims challenging the March 19, 2004 Findings and Decision of the USEF dated March 19, 2004 are barred by the applicable statute of limitations to the extent that the plaintiff purports to challenge the findings made, actions taken, and penalties issued by the USA Equestrian Hearing Committee in its October 23, 2003 Findings and Decision, inasmuch as the March 19, 2004 Findings and Decision of the USEF relied upon the final and binding actions taken by the Trust, as to which the statute of limitations had expired at the time of the hearing on March 4, 2004.

#### THIRD AFFIRMATIVE DEFENSE

8. Plaintiff waived any objection, and is estopped from objecting to any part of the Findings and Determination of the USA Equestrian Hearing Committee by reason of his failure to participate in the evidentiary hearing of the Trust (then USA Equestrian) upon which the Findings and Decision of USA Equestrian dated October 23, 2003 were based, including his failure to submit any testimony or documentary evidence in defense or opposition to the factual allegations and testimony against him therein.

#### FOURTH AFFIRMATIVE DEFENSE

9. The rules of the Trust and the USEF provide that it is expressly agreed by and between them and their members and any other persons in any way participating or in any way seeking to participate in a Recognized Competition or otherwise utilizing or seeking to utilize the privileges or services of either organization that any lawsuit brought against either organization by or on behalf of each such member or by or on behalf of each such person, shall be commenced and adjudicated only in the United States District Court for the Southern District of New York or in the Supreme Court of the State of New York, County of New York, to the exclusion of the courts of any other jurisdiction or venue.



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10. Any person who acts as a trainer in any capacity at a Recognized competition is, under the rules of the Trust and the USEF, deemed to be a participant in the Recognized competition. Under those rules, a trainer is any adult who has the responsibility for the care, training, custody or performance of a horse.

11. The Hearing Committee of USA Equestrian, in its Findings and Decision dated October 23, 2003, found that plaintiff, as charged, acted as a trainer for the horse MONEY at the Kentucky Hunter Jumper Horse Show held August 21-25, 2002 because "the evidence showed that he trained the horse and rider in the ring and over practice jumps, and took steps to school the horse's behavior at the show in issue." Plaintiff submitted no evidence to the contrary.

12. Accordingly, this court lacks jurisdiction and/or venue over this action, in that plaintiff, in voluntarily participating in the Recognized competition in question, thereby became bound by the requirement of the rules that this litigation be brought only in the courts of New York.

#### FIFTH AFFIRMATIVE DEFENSE

13. The findings made and penalties issued by the defendants were based upon substantial evidence in the record, were neither arbitrary nor capricious, were made within the defendants' jurisdiction, and did not constitute an abuse of discretion including abuse of discretion as to the measure or mode of penalty or discipline imposed.

#### SIXTH AFFIRMATIVE DEFENSE

14. The Trust's and the USEF's rules against abuse or cruelty to horses are not overbroad, or vague or ambiguous, nor are they irrational, arbitrary or capricious, either as stated or as applied to the plaintiff and his conduct.

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## SEVENTH AFFIRMATIVE DEFENSE

This Defendant relies upon the defenses of laches, estoppel and/or waiver as a complete or partial bar to the claims asserted in Plaintiff's Complaint.

### COUNTERCLAIMS

Comes the Defendant, United States Equestrian Federation, Inc., (hereinafter "USEF"), by counsel, and for its Counterclaims hereby avers as follows:

#### Facts Common to All Counterclaims

1. This Court has jurisdiction over these counterclaims pursuant to 28 U.S.C. Section 1367(a) (Supplemental Jurisdiction) and Rule 13(a) of the Federal Rules of Civil Procedure.
2. Defendant and Counterclaim Plaintiff USEF is a private New York Not-for-Profit Corporation with its principal place of business located at 4047 Iron Works Parkway, Lexington, Kentucky, 40511.
3. On December 1, 2003, the USEF assumed all responsibilities as the National Governing Body ("NGB") for Equestrian Sports, as recognized by the United States Olympic Committee ("USOC"). The USEF superseded the former USA Equestrian in this capacity. As a condition of its recognition of the USEF, the USOC has required that the USEF recognize and give full faith and credit to all governance actions of the former USA Equestrian, in order to ensure the smooth and orderly transition of governance matters within the sport of equestrian. In connection therewith, as of December 1, 2003, the USEF accepted all pending Hearing Committee and disciplinary matters from the former USA Equestrian. For purposes thereof, any prior disciplinary action for which any individual was still subject to any form of penalty is considered to be a pending disciplinary matter

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accepted by the USEF. USEF has given full faith and credit to the governance and disciplinary actions taken by the former USA Equestrian in its capacity as the NGB for the sport. The membership of the former USA Equestrian became the membership of the USEF.

4. Among the disciplinary matters accepted by the USEF was the Findings and Decision of the USA Equestrian Hearing Committee, dated October 23, 2003, against Plaintiff and Counterclaim Defendant Cody J. Williams.

5. Plaintiff is an Inactive Member of the USEF, having ceased paying membership dues in 1999.

6. On August 12, 2003, the USA Equestrian Hearing Committee held an evidentiary hearing in Atlanta, Georgia, on an official charge that plaintiff had violated its rules in that he participated as a trainer in the Kentucky Hunter Jumper Horse Show, a Recognized competition held August 21-25, 2002, without having paid the required membership dues or alternatively paid a non-member registration fee. The charge further alleged that, while participating in the competition, the plaintiff committed acts of cruelty and abuse to a horse in violation of the rules. The charge further alleged that the plaintiff improperly poled a horse in a schooling ring in violation of the rules.

7. The plaintiff was duly notified of the hearing. The plaintiff did not attend the hearing, nor did he submit any evidence in defense of the charges.

8. On October 23, 2003, the USA Equestrian Hearing Committee issued its Findings and Decision. The Committee first held that Mr. Williams "was a trainer of the horse in question because the evidence showed that he trained the horse and rider in the ring and over practice jumps, and took steps to school the horse's behavior at the show in issue."

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The Committee next held that, while acting as a trainer for the horse in question, “Mr. Williams did not sign the appropriate entry blanks as required by Article 1502.2.” The Committee further held that Mr. Williams violated the rules in that he “acted as trainer...but was not a member of the Federation and failed to file a non-member affidavit [or pay a non-member fee]....” (Id. P. 6) The Committee went on to find that Mr. Williams violated the rules by committing serious acts of cruelty or abuse to the horse in question, and by improperly poling a horse in a schooling ring.

9. The most important of the USA Equestrian Hearing Committee’s findings, on the basis of the evidence submitted in support of the charge, and without any contradictory evidence submitted by the plaintiff, that was plaintiff committed acts of cruelty or abuse to the horse MONEY while participating in the competition and training the horse under Article 302 in effect at the times relevant to Mr. Williams’s violation, in that

Mr. Williams lost his temper with the horse and repeatedly whipped it as hard as he could on the neck and face with the whip turned up. In this regard, the Hearing Committee noted that Article 302.4(a) provides that “[a]ny striking of the horse’s head (on the poll and forward of the poll) with the whip shall be deemed excessive.”

The Hearing Committee went on to state:

The Hearing Committee takes abuse cases very seriously and was appalled with the behavior of Mr. Williams in this case. In addition to the facts showing abuse, the Hearing Committee also noted that Mr. Williams acted out of anger and refused to immediately comply with the direction of show employees and the Steward to stop whipping the horse.

Accordingly, the Hearing Committee directed that for his violations of the rules, Mr. Williams “be suspended from competing or taking any part whatsoever in Recognized competitions as an exhibitor, participant or spectator pursuant to the Provisions of Rule VII,

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Article 703.1(b), and that any horse or horses, completely or in part owned, leased or of any partnership, corporation or stable of his, or shown in his name, or for his credit or reputation, whether such interest was held at the time of the alleged violation or acquired thereafter, be suspended from competing or taking any part whatsoever in Recognized competitions pursuant to the provisions of Rule VII, Article 703.1(c) for three months, commencing on June 1, 2004 and terminating on August 31, 2004, and that he be fined the amount of \$5,000 pursuant to Rule VII, Article 703.1(j) to be paid to the Federation's office no later than December 12, 2003. It was further directed that should said fine not be paid in full prior to December 12, 2003, Mr. Williams will be found not in good standing and will be suspended pursuant to the provisions of Rule VII, Article 703.1(b) and (c) until such time as the fine is paid in full."

10. Mr. Williams did not pay the fine on or before December 12, 2003, and he was thereby automatically suspended pursuant to USEF rules, effective immediately.

11. Mr. Williams has not paid the fine. Upon information and belief, Mr. Williams has stated that he has no intention of ever paying the fine.

12. Mr. Williams then violated the terms of his suspension by attending and/or participating in at least three Recognized competitions between January 28 and February 15, 2004: the Palm Beach Nutrena Classic, the Littlewood Winter Circuit Finale, and the Kilkenny Internationale. At each competition, Mr. Williams was politely requested by the Stewards and/or competition management to leave the premises. At each competition he refused.

13. The USEF did not attempt to forcibly eject the plaintiff or have him made subject to arrest at any time. Instead, the USEF proceeded with three new charges, alleging

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that Mr. Williams had violated its rules by attending and/or participating in the three competitions. Two of the charges were filed by Stewards at the competitions, and the third charge was filed by Lori Rawls, the Executive Director of the USEF.

14. A hearing was held by the USEF Hearing Committee on all three charges at the USEF offices in Lexington on March 4, 2004. Mr. Williams attended and participated in the hearing, represented by counsel. Mr. Williams admitted that he had attended and/or participated in all three competitions as charged. A full transcript, comprising 250 pages, was made of the hearing.

15. On March 7, 2004 (just three days after the hearing) Mr. Williams attended another Recognized competition, the Wellington Open, in Wellington, Florida, in the company of another suspended person. The USEF Steward asked them both to leave, and they refused to do so.

16. On March 19, 2004, the USEF Hearing Committee issued its Findings and Decision, finding that Mr. Williams attended and/or participated in all three competitions, and it imposed further discipline upon him, consisting of an additional fine and term of suspension.

17. On the weekend of April 3-4, 2004, Plaintiff was seen on the grounds of a recognized competition in Tampa Florida. He has threatened to attend additional Recognized competitions, including competitions in the Commonwealth of Kentucky, and will likely do so unless enjoined.

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#### FIRST COUNTERCLAIM

18. USEF incorporates by reference the allegations made in paragraphs 1 through 17.

19. Plaintiff is an Inactive Member, having failed to pay his membership dues since approximately 1999. However, the plaintiff has never submitted a resignation, and he remains subject to his membership agreement to be subject to and abide by the rules notwithstanding his lack of good standing as the result of his failure to keep current with his dues.

20. Plaintiff threatens to continue to violate USEF rules.

21. The USEF has no adequate remedy at law, and is entitled to an injunction requiring the plaintiff to specifically comply with the penalties issued against him, and enjoining him from appearing on the portions of the grounds of any property set aside for Recognized competitions so long as he remains suspended and not in good standing.

#### SECOND COUNTERCLAIM

22. USEF incorporates by reference the allegations made in paragraphs 1 through 21.

23. Plaintiff made himself subject to the rules of USA Equestrian and the USEF, and penalties issued for their violation, by actually participating in Recognized competitions. In particular, Mr. Williams participated, as a trainer, in the Kentucky Hunter Jumper Horse Show held August 21-25, 2002.

24. Any person who acts as a trainer in any capacity at a Recognized competition is, under the rules, deemed to be a participant in the Recognized competition. Under those

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rules, a trainer is any adult who has the responsibility for the care, training, custody or performance of a horse.

25. The Hearing Committee of USA Equestrian, in its Findings and Decision dated October 23, 2003, found that plaintiff acted as a trainer for the horse MONEY at the Kentucky Hunter Jumper Horse Show held August 21-25, 2002 because “the evidence showed that he trained the horse and rider in the ring and over practice jumps, and took steps to school the horse’s behavior at the show in issue.” Plaintiff submitted no evidence to the contrary.

26. Persons acting as trainers at Recognized competitions must either be members, or pay a non-membership fee for the privilege of participating, and must sign an entry blank, thereby expressly acknowledging that they are subject to the rules of the National Governing Body. Mr. Williams did not comply with these requirements.

27. Plaintiff’s direct participation in the competition automatically subjected him to the rules, which make them applicable to “every person participating at the competition.” (Rule III, Article 301.4) Additionally, plaintiff subjected himself to the rules by entering into the ring as a trainer, rider and/or handler. Rule XV, Article 1502.2 provides that in the case of persons who fail to sign an entry blank his or her first entrance into the ring “shall be construed as his or her acceptance of the rules of the competition involved and of the Federation and shall *ipso facto* render him/her subject to said rules.”

28. Plaintiff therefore, by participating in a Recognized competition, voluntarily subjected himself to the rules which he violated and pursuant to which he was penalized.

29. Plaintiff has failed to abide by the penalties issued against him, and threatens to do so again in the future.



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30. The USEF has no adequate remedy at law, and is entitled to an injunction requiring the plaintiff to specifically comply with the penalties issued against him, and enjoining him from appearing on the portions of the grounds of any property set aside for Recognized competitions so long as he remains suspended and not in good standing.

### THIRD COUNTERCLAIM

31. USEF incorporates by reference the allegations made in paragraphs 1 through 30.

32. Even if plaintiff had not voluntarily subjected himself to the rules by participating in Recognized competitions, he nevertheless remains subject to those rules for acts committed by him in violation thereof while he was on the grounds of Recognized competitions.

33. Rule III, Article 302, the rule forbidding cruelty to or abuse of a horse on competition grounds, is by no means limited solely to members or other participants. Thus, Article 302.1 provides that

Cruelty to or the abuse of a horse by any person at a Recognized competition is forbidden, constitutes a violation under Rule VII, and renders the offender subject to penalty. (emphasis added)

Article 302.4(a), the specific portion of the cruelty and abuse rule that Mr. Williams was found to have violated, similarly has not been limited to acts committed by Federation members:

The following acts are included under the words Cruelty and Abuse but are not limited thereto: (a) Excessive use of a whip on any horse in a stall, runway, schooling area, competition ring or elsewhere on the competition grounds, before or during a competition, by any person. (emphasis added)

34. Mr. Williams was also found to have violated Rule VII, Article 702 of the rules, which prohibit any person from violating certain rules while on competition grounds, including the rules against cruelty or abuse, and otherwise acting in a manner deemed improper, unethical, dishonest, unsportsmanlike or intemperate, or otherwise prejudicial to the best interests of the sport and the USEF.

35. The USEF certainly has the right to rule off the grounds of its Recognized competitions those persons who commit acts of cruelty or abuse to horses on those grounds, as well as to establish conditions to their privilege to return to those grounds, such as by the imposition of fines. Otherwise, persons such as Mr. Williams could commit acts of cruelty or abuse to horses with impunity.

36. Plaintiff has failed to abide by the penalties issued against him, and threatens to do so again in the future.

37. USEF has no adequate remedy at law, and is entitled to an injunction requiring the plaintiff to specifically comply with the penalties issued against him, and enjoining him from appearing on the portions of the grounds of any property set aside for Recognized competitions so long as he remains a person suspended and not in good standing.

#### FOURTH COUNTERCLAIM

38. USEF repeats and realleges the allegations of paragraphs 1 through 37.

39. The horse MONEY that plaintiff whipped excessively and in a cruel and abusive manner was ridden competitively by his adult daughter, Emily Williams, who is a member of the USEF.

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40. The USA Equestrian Hearing Committee found that Mr. Williams violated Rule VII, Articles 702(a), (d) and (f) at the Recognized competition in question. Article 701, which is applicable to Article 702, provides:

The provisions of this rule apply in connection with any Recognized competition to the following persons: owner, exhibitor, agent, trainer, manager, rider, driver, handler ... and member of the family of the above, a member of the Federation or any person who acts in a manner in violation of the rules of the Federation or deemed prejudicial to the best interests of the sport and the Federation.

41. The plaintiff, as such a family member, made himself subject to the rules when he committed acts of cruelty and abuse to his daughter's horse while on the grounds of the Recognized competition.

42. Plaintiff has failed to abide by the penalties issued against him, and threatens to do so again in the future.

43. The USEF has no adequate remedy at law, and is entitled to an injunction requiring the plaintiff to specifically comply with the penalties issued against him, and enjoining him from appearing on the portions of the grounds of any property set aside for Recognized competitions so long as he remains a person suspended and not in good standing.

#### FIFTH COUNTERCLAIM

44. USEF repeats and realleges the allegations of paragraphs 1 through 43.

45. The USEF is entitled to a judicial declaration of the rights and obligations of the parties pursuant to 28 U.S.C. Section 2201; *viz.* declaring that the USEF is within its jurisdiction as a National Governing Body to exclude plaintiff from the portions of the

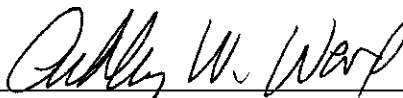
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grounds of any property set aside for Recognized competitions so long as he remains a person suspended and not in good standing.

WHEREFORE, Defendant and Counterclaim Plaintiff United States Equestrian Federation, Inc. demands the following relief:

- (i) Dismissal of the plaintiff's petition;
- (ii) On the First through the Fourth Counterclaims, a permanent injunction enjoining the plaintiff from appearing on the portions of the grounds of any property set aside for Recognized competitions so long as he remains a person suspended and not in good standing;
- (iii) On the Fifth Counterclaim, a judgment declaring that the USEF is within its jurisdiction as National Governing Body to exclude the plaintiff from the portions of the grounds of any property set aside for Recognized competitions so long as he remains a person suspended and not in good standing;
- (iv) USEF's costs and disbursements in this action; and
- (v) Such other and further relief as to which it may appear to the Court that the USEF is entitled.

Respectfully submitted,



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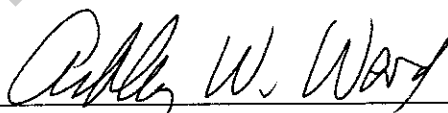
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served overnight mail and telefax, on this 12<sup>th</sup> day of April, 2004 upon:

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